

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LUISA LONDONO DBA LUISA'S DAYCARE, SP 2014-BR-098 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 11103 La Messa Dr., Fairfax, 22030 on approx. 10,507 sq. ft. of land zoned R-3 and WS. Braddock District. Tax Map 57-3 ((7)) 373. (Continued from 12/3/14.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 28, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the property is the applicant.
2. The present zoning is R-3, WS.
3. The area of the lot is 10,507 square feet.
4. The application has been recommended for approval by staff, and the Board concurs with their recommendation.
5. There was an issue, pursuant to an outstanding approval on a building permit, which was lawfully applied for but had not been finalized. It has been taken care of.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Luisa Londono, Luisa's Daycare, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 11103 La Messa Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot 373, Section Five, Fairfax Villa," prepared by William E. Ramsey, L.S., as revised by the applicant, Luisa Londono, on September 14, 2013, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed 12.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility between the hours of 7:00 a.m. to 5:00 p.m.
8. All pick up and drop off of children shall take place in the applicant's driveway.
9. There shall be no signage associated with the home child care facility.
10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Byers and Mr. Hammack seconded the motion, which carried by a vote of 5-0.
Ms. Theodore and Mr. Smith were absent from the meeting.

A Copy Teste:


Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals